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Docket No. H0003690

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: B. Gibson et al. Attorney Docket: H0003690

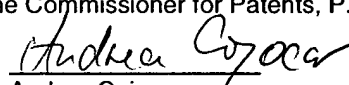
Application No.: 10/766,430 Art Unit: 1713

Filed: 01/28/2004 Examiner: W.K. Cheung

For: EXTRUDABLE PVC COMPOSITIONS

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Andrea Cojocar

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Reply to Requirement for Restriction Dated December 16, 2004

Sir:

This is in response to the Examiner's Action mailed December 16, 2004.

The Examiner requires restriction between the following groups of claims:

Group I – Claims 1-18, 67 drawn to an extrusion process, classified in class 264, subclass 464.

Group II – Claims 19-31, drawn to a PVC composition, classified as in class 524, subclass 567.

Group III - Claims 32-37, drawn to an additive composition for PVC, classified in class 524, subclass 57.

Group IV – Claims 38, drawn to a process for forming an extrudable composition, classified in class 264, subclass 464.

Group V – Claims 39, 38-66, 68 -70, drawn to an extruded PVC product, classified in class 524, subclass 567.

The Examiner has required that applicants elect a single group of claims for examination purposes. The basis for the Examiner's Requirement for Restriction is

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that the Groups I –V disclose inventions that are distinct and have acquired a separate status in the art. It is submitted respectfully that the Examiner's Requirement is deficient on its face because 35 U.S.C. § 121 requires that the involved inventions be not only distinct, but also independent.

The applicant hereby chooses however not to traverse Examiner's Requirement for Restriction and, although respectfully disagreeing with the Examiner's position, elects provisionally without traverse to prosecute process claims 1 – 18 and 67 of Group I.

Applicant request respectfully that, upon indication of allowable subject matter with regard to the elected claims, withdrawn Group II product claims 19-31; Group III product claims 32-37; Group IV process claim 38 and Group V product claims 39, 38-66, 68-70, which include all the recitations of the process claims be rejoined for examination of patentability (M.P.E.P. Section 821.04).

If there are any additional charges in connection with this response, the Examiner is authorized to charge Applicant's Deposit Account No. 19-5425 therefor.

Dated: March 16, 2005

Respectfully submitted,



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/axc

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